

**MERCER COUNTY PLANNING BOARD  
REGULAR MEETING MINUTES  
APRIL 10, 2013**

**PRESENT:** Thomas M. Ryan, Chairman  
William S. Agress, Vice-Chair  
Joseph Cermele  
Edward W. Fedorko, Jr.  
Samuel M. Rubino  
Michael R. Shine

**ALSO PRESENT:** Robert Ridolfi, Board Counsel  
Donna M. Lewis, Planning Director  
Leslie Floyd, Assistant Planning Director  
Richard Smith, Planning Board Secretary  
Marisa Mule' Van Horn, Staff  
Dan Pace, Staff

Mr. Ryan called the meeting of the Mercer County Planning Board to order at 7:10 p.m.

**I. STATEMENT OF ADEQUATE NOTICE**

Pursuant to the Sunshine Law, notice of this meeting was sent to the Trenton Times, the Trentonian, and was posted in the County Clerk's office and the County Administration Building on March 13, 2013.

**II. APPROVAL OF MINUTES**

Mr. Agress made a motion to approve the minutes of the March 13, 2013 Planning Board meeting and Mr. Fedorko seconded the motion. The minutes were approved with The following vote:

<b>Y</b>	Thomas M. Ryan	<b>Y</b>	Edward W. Fedorko, Jr.
<b>Y</b>	William S. Agress	<b>Y</b>	Samuel M. Rubino
<b>Y</b>	Joseph Cermele	<b>Y</b>	Michael R. Shine

**III. PUBLIC COMMENT**

There was no public comment

**IV. OLD BUSINESS**

There was no old business

## V. NEW BUSINESS

- a. RECOMMENDATION TO MERCER COUNTY BOARD OF CHOSEN FREEHOLDERS TO RELEASE PERFORMANCE BOND TO GOLDEN ESTATES, INC., STANLEY NEUMAN, FOR COMPLETION OF SITE IMPROVEMENTS AS PER THE JULY 14, 1998 LETTER FROM MERCER COUNTY ENGINEER ASSOCIATED WITH THE PROPOSE DEVELOPMENT AT CERTAIN LAND KNOWN AS STANLEY NEUMAN BUILDING QUAKERBRIDGE ROAD (TRAFFIC SIGNAL) MERCER COUNTY FILE NUMBER 98-601

Mr. Agress made a motion to adopt Resolution No. 2013-03 and Mr. Cermele seconded the motion. The motion was approved with the following vote:

Y	Thomas M. Ryan	Y	Edward W. Fedorko, Jr.
Y	William S. Agress	Y	Samuel M. Rubino
Y	Joseph Cermele	Y	Michael R. Shine

- b. **Public Hearing** – Proposed amendment to the Mercer County Water Quality Management (WQM) Plan adopting the county-wide Wastewater Management Plan.

### Statement of Adequate Notice

In accordance with the Statewide Water Quality Management Planning rules (NJAC 7:15-3.4) public notice of the proposed amendment to the Mercer County Water Quality Management Plan adopting the Mercer County Wastewater Management Plan was published in the New Jersey Register on March 4, 2013, The Times of Trenton on March 4 and March 5, 2013, and The Trentonian on March 4, 2013.

The proposed Wastewater Management Plan (WMP) for Mercer County will replace all previously adopted municipal utility authority WMP's in Mercer County as well as areas outside of Mercer served by wastewater treatment facilities located within Mercer County which have been included as part of an adopted WMP. The only exception will be East Windsor Township, Pennington Borough, and Robbinsville Township, which have adopted municipal WMP's that still remain in effect, and which are adopted by reference as the appropriate municipal chapters in the Mercer County WMP.

The Mercer County Wastewater Management Plan includes the following:

1. County Summary
2. Municipal Chapters including:  
Ewing Township, Hamilton Township, Borough of Hightstown, Borough of Hopewell, Hopewell Township, Lawrence Township, Princeton, City of Trenton and West Windsor Township.

A representative from the State read an opening statement and Mr. Ryan asked if there were any public comments; the following comments were made:

**Timothy F. McGough, P.E.**  
**Director of Community & Economic Development**  
**Robbinsville Township**

Robbinsville has had on-going correspondence with the Mercer County Division of Planning for an amendment to their WMP through the Mercer County WMP adoption process. In the summer of 2011 Robbinsville contacted the Mercer County Planning Division to include two areas in the sewer service area. Subject of correspondence was soccer and playing fields, 27 homes on Buckley Lane with failing septic, and a 47 single family home subdivision known as Washington Woods.

The Township submitted all required documentation with respect to the above properties and the Township's adopted WMP in anticipation of an amendment to the Robbinsville WMP through the Mercer County WMP adoption process. One month ago, Robbinsville was then directed by NJDEP, in writing, to submit an amendment separate from the County WMP adoption process.

The Township is not opposed to pursue an amendment to the Robbinsville WMP but time and money has already been spent to amend through the Mercer WMP process. However, the Township wanted to go on-record stating that they are happy to work with the DEP to achieve the Township's goals quickly.

Mr. Ridolfi (Planning Board attorney) requested copies of exhibits.

**Tony DiLodovico**  
**Tony D Environmental Permitting, LLC**

Mr. DiLodovico represented Kooltronic in Hopewell Township and Kuser 130 LLC in Hamilton Township.

Kooltronic is in agreement with the current and future WMP mapping however based on more recent Landscape Project data (v 3.1) Kooltronic would like to see the entire site in the future sewer service area. A Habitat Suitability Analysis was submitted which is currently not in agreement with DEP's interpretation which excluded a portion of the property. Mr. DiLodovico provided a list of all required approvals in order to develop the site. Mr. DiLodovico will also be providing written testimony consistent with that provided during the Public Hearing.

The future mapping for the Kuser 130 LLC properties at Block 2596 Lots 8, 9, and a portion of 10 show the parcels outside the sewer service area. The lots are along Route 130 and it seems appropriate to include them in the sewer service area. There is an LOI indicating the constrained areas to be removed from sewer service. It was stated that Lots 8 and 9 are not wet and the sewer service area status of Lot 10 is unclear based on the mapping that was presented by the County at the Public Hearing. Mr. DiLodovico will submit written testimony in addition to those provided during the Public Hearing.

**Robert Buda and John Simone**

Mr. Buda spoke about a 10-acre parcel on Princess Road in Lawrence Township. The parcel is owned by Capital Health Systems, is also known as the "Gayle" tract and is Block 3901 Lot 21. There is sewer infrastructure in Princess Road and in an easement. The site is the subject of an LOI which expired in 2007. The

future sewer service area shows the parcel outside the sewer service area. Mr. Buda wants to update the LOI and request that the lots be added to the future sewer service area so that it can be developed with an office building.

**Kurt Heuring**  
**Vice President of Administration**  
**The College of New Jersey**

The College of New Jersey (TCNJ) owns 170 acres of land in Hopewell Township which is currently outside the sewer service area. Mr. Heuring is requesting that DEP allow the subject land to be placed in the sewer service area so the college has the ability to plan for future use of the property and continue the mission of the college to provide a public benefit to the State of New Jersey. In 2000 the land was in the sewer service area a factor in the College's decision to purchase the land. In 2004 it remained in the sewer service area. In 2005 there was a Hopewell Township amendment by resolution which removed land from the existing sewer service area. The changes were submitted to the DEP and were made with the Ewing Lawrence Sewerage Authority (ELSA). The land was removed due to the Hopewell Township settlement with ELSA.

Mr. Heuring stated that in 2012 there were no environmentally sensitive areas (ESA) on Hopewell properties; there were not constraints. Mr. Heuring stated that the state has jurisdiction on state-owned land of which TCNJ properties are a part. Mr. Heuring stated case law, Rutgers vs Paluso, that concluded growth of the university is for the public benefit.

**Robert Freud**  
**Insite Engineering**

Mr. Freud represented the owners of the Buy Rite Liquor store on Route 31 in Hopewell Township. There is currently no sewer service to the northwest quadrant of Pennington Circle and adjacent. The site is currently serviced by a septic system not in keeping with current design standards. He stated that sewer will be extended in the road adjacent to the property.

**Jim Waltman**  
**Stony Brook Millstone Watershed Association**

Mr. Waltman stated that the Stony Brook Millstone Watershed Association is trying to build a LEED Platinum Environmental Center that will generate just over 2,000 gallons per day of wastewater. This will be the first LEED Platinum project in Mercer County. Since 2008 the Association raised \$7M in private funding. The Association holds a draft NJPDES permit which is over a year old. Their TWA is about to expire. He urged the Planning Board and DEP to adopt the Mercer County WMP now.

**General**

Several individuals from the public asked about the Plan adoption process. The Planning Board responded that the Planning Division will review the comments, and responses will be posted to the County website.

An individual from the public asked if there is a commitment by DEP to make a decision by a particular date. The DEP explained they are limited in changes that can be made to the Plan but that there is a commitment by DEP to adopt the Plan this year. The adoption notice which is published by DEP is the response document and will be posted online and in the New Jersey Register.

The Public Hearing was closed at 8:00 p.m.

## **VI. CORRESPONDENCE**

- a. Copy of Mercer County Resolution No. 2013-154 "Appointment Of Freeholder Anthony P. Carabelli To Serve As A Member Of The Mercer County Planning Board"

## **VII. ADJOURNMENT**

Mr. Cermele made the motion to adjourn the meeting and Mr. Agress seconded the motion. The meeting was adjourned at 8:03 p.m. with the following vote:

<b>Y</b>	Thomas M. Ryan	<b>Y</b>	Edward W. Fedorko, Jr.
<b>Y</b>	William S. Agress	<b>Y</b>	Samuel M. Rubino
<b>Y</b>	Joseph Cermele	<b>Y</b>	Michael R. Shine

Respectfully Submitted,

Richard J. Smith, Planning Board Secretary

Attachments, if any, which are listed in the minutes, are made part of the permanent record in the Minute Book and are available upon request.